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NATALIA BRUTON

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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17 NATALIA BRUTON, individually and on
behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 GERBER PRODUCTS COMPANY,
and NESTLÉ USA, INC.,

21 Defendants.
22

NO. CV 12-02412 LHK

STIPULATION AND ~~PROPOSED~~
ORDER RE BRIEFING SCHEDULE
FOR DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S AMENDED
COMPLAINT

Judge: Hon. Lucy H. Koh
Action Filed: May 11, 2012
Trial Date: None

Pursuant to Local Rule 6-1(a), Plaintiff Natalia Bruton, individually and on behalf of all others similarly situated ("Plaintiff"), and Defendants Gerber Products Company and Nestlé USA, Inc. ("Defendants") (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate to a briefing schedule for Defendants' Motion to Dismiss Plaintiff's Amended Complaint.

WHEREAS, on September 21, 2012, Plaintiff filed a putative class action Amended Complaint against Defendants, alleging violations of Cal. Bus & Prof. Code §§ 17200, *et seq.* and 17500, *et seq.*, Cal. Civ. Code §§ 1750, *et seq.* and 1790, *et seq.*, and 15. U.S.C. § 2301, *et seq.*, and restitution.

WHEREAS, Defendants filed a Motion to Dismiss the Amended Complaint (the "Motion") on October 5, 2012.

WHEREAS, under Local Rule 7-3, Plaintiff's response to Defendants' Motion is due on October 19, 2012, and Defendants' reply is due on October 26, 2012.

WHEREAS, Plaintiff requires additional time to respond to Defendants' Motion.

WHEREAS, the Parties have reserved the Court's first available date of January 10, 2013, for the hearing on Defendants' Motion.

WHEREAS, the stipulated extension is not sought for the purpose of unnecessary delay and will not alter the date of any event or deadline already fixed by Court order.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE the time for Plaintiff to respond to Defendants' Motion is extended to November 16, 2012, and the time for Defendants to reply to Plaintiff's response is extended to December 17, 2012.

Dated: October 12, 2012

WHITE & CASE LLP

By: /s/ Bryan A. Merryman

Bryan A. Merryman
Attorneys for Defendants

Dated: October 12, 2012

PRATT & ASSOCIATES

By: /s/ Pierce Gore

Ben F. Pierce Gore
Attorneys for Plaintiff

DECLARATION OF PIERCE GORE

I, Pierce Gore, am an attorney of record for Plaintiff Natalia Bruton. Bryan A. Merryman, attorney of record for Defendants Gerber Products Company and Nestle USA, Inc., gave me his concurrence in the filing of the document titled "STIPULATION RE BRIEFING SCHEDULE FOR DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT," which concurrence shall serve in lieu of his signature on that filed document. I have and will maintain records to support this concurrence for subsequent production to the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

Dated: October 12, 2012

PRATT & ASSOCIATES

By: /s/ Pierce GorePierce Gore
Attorney for Plaintiff**~~PROPOSED~~ ORDER**

Pursuant to stipulation, IT IS HEREBY ORDERED that:

The following briefing schedule shall apply to Defendants' Motion to Dismiss the Amended Complaint: Plaintiff's opposition is due November 16, 2012, Defendants' reply is due December 17, 2012 and a hearing on the Motion shall be held on January 10, 2013.

IT IS SO ORDERED.

Dated: October 30, 2012


 HON. LUCY H. KOH
 United States District Judge